

## **II. REMARKS**

### **A. Status of the Claims**

Claim 38 has been amended without prejudice or admission to delete the article “an” on third line of claim 38 (i.e., “...administering to a human patient a therapeutically effective amount of a COX-2 inhibitor and ~~an~~ opioid analgesic combination ...”).

It is respectfully submitted that no new matter has been introduced by virtue of this amendment.

Claims 38 and 47-76 are pending and are encompassed by the elected invention, including the elected species.

### **B. Substance of Interview**

In accordance with the provisions of 37 CFR § 1.133, Applicants herein make of record the substance of the telephonic interview conducted on July 28, 2011, between the undersigned attorney and Primary Examiner Christopher M. Gross.

During the interview, the Examiner inquired whether Applicant will be willing to amend claim 38 to recite in part “...administering to a human patient a therapeutically effective amount of a COX-2 inhibitor and ~~an~~ opioid analgesic combination ...,” and indicated that such amendment may be helpful in overcoming the outstanding new matter rejection.


The proposed amendment is being made herein.

Applicants thank Primary Examiner Gross for his suggestion, and respectfully request that this Substance of Interview be made of record.

### III. CONCLUSION

An early and favorable action on the merits is earnestly solicited. The Examiner is respectfully requested to contact the undersigned at the telephone number provided below in the event that a telephonic interview will advance the prosecution of the application.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Oleg Ioselevich  
Reg. No. 56,963

DAVIDSON, DAVIDSON & KAPPEL, LLC  
Patents, Trademarks and Copyrights  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940